

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JESSICA BENEFIELD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:13-cv-1000
)	Judge Aleta A. Trauger
MSTREET ENTERTAINMENT, LLC;)	Magistrate Judge Knowles
VIRAGO, LLC; and CHRIS)	
HYNDMAN,)	
)	
Defendants.)	

MEMORANDUM & ORDER

On February 1, 2016, the court issued a Memorandum and Order sustaining the plaintiff's Objection to Magistrate Judge Knowles' November 17, 2015 Order regarding the plaintiff's Motion to Amend Scheduling Order and Allow Additional Discovery. (Docket Nos. 124-125 (the "Feb. 1, 2016 Opinion").) The Feb. 1, 2016 Opinion outlined the full procedural history in this case, which will not be repeated here. The defendants were ordered to deliver to Judge Trauger's Chambers for *in camera* review an unredacted version of certain of the text messages produced during discovery in this matter and identified as the "Martino Messages" before the court would issue a final ruling on the plaintiff's Motion to Amend Scheduling Order and allow Additional Discovery (Docket No. 99). On February 4, 2016, the defendants delivered the requested messages to Judge Trauger's chambers and the court has completed its *in camera* review. The court finds that the following messages, identified by message number and date, are discoverable evidence in this case:

- Message Nos. 7578-7593, January 17, 2013

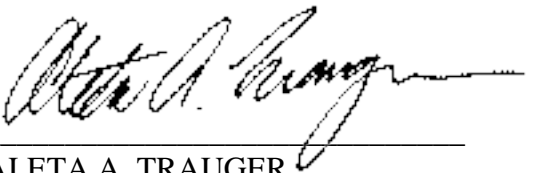
- Message Nos. 7500-7504, January 31, 2013
- Message Nos. 7495-7499, February 4, 2013
- Message No. 7281, April 24, 2013
- Message No. 7277, April 25, 2013
- Message Nos. 7271-7276, April 26, 2013
- Message Nos. 7255-7259, April 30, 2013
- Message Nos. 7042-7050, June 20, 2013
- Message Nos. 7023-7041, June 21, 2013

As discussed more fully in the Feb. 1, 2016 Opinion, the court may modify or set aside a Magistrate Judge's pretrial ruling on a non-dispositive matter where it is found to be clearly erroneous or contrary to law. Fed. R. Civ. P. Rule 72(a). For the reasons more fully discussed in the Feb 1, 2016 Opinion, and in light of the discoverable messages identified above through the court's *in camera* review, the court hereby **VACATES** Magistrate Judge Knowles' November 17, 2015 Opinion (Docket No. 117) and **GRANTS IN PART AND DENIES IN PART** the plaintiff's Motion to Amend Scheduling Order and Allow Additional Discovery (Docket No. 99) as follows. The court **ORDERS** that the defendants must produce to the plaintiff an unredacted version of the Martino Messages listed above by February 12, 2016. The court further **ORDERS** that the plaintiff may have until March 25, 2016 to conduct supplemental depositions of Eric Martino, Christ Hyndman, Ryan Watkins, and Ali Grimsley, as relates to the content of

these messages and the other Martino Messages previously produced in discovery.¹ No additional discovery will be permitted in this matter beyond that which has already been ordered. Finally, the court **ORDERS** that the parties may file supplemental briefing on the pending Motion for Summary Judgement filed by the defendants (Docket No. 46) by April 25, 2016. All parties may include in their supplemental briefing arguments related to 1) the Martino Messages, 2) any supplemental depositions taken pursuant to this Order; and 3) any additional discovery of Kristina Lucia taken pursuant to the Feb. 1, 2016 Order. In addition, the plaintiff may include in her supplemental briefing any arguments related to the Second Declaration of Eric Martino that is the subject of the plaintiff's Pending Motion to Strike (Docket No. 71). Accordingly, the plaintiff's Motion to Strike is hereby **DENIED AS MOOT**.

It is so **ORDERED**.

Enter this 8th day of February 2016.



ALETA A. TRAUGER
United States District Judge

¹ The court notes that Magistrate Judge Knowles' November 17, 2015 Order allowed the plaintiff until December 19, 2015 to take supplemental depositions of these individuals regarding the subjects raised in the Martino Messages that had already been produced. The court presumes that these depositions were postponed while the plaintiff's Objection to Magistrate Judge Knowles' Order was pending. If this is not the case, and one or more of these supplemental depositions has already taken place pursuant to Magistrate Judge Knowles' Order, the court asks that the parties file a notice with the court by February 9, 2016 so this Order can be revised as necessary.